IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

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WRIT PETITION NO: 12555 of 1997

Between:

1. Bollina Sri Rama Murthy, S/o. Jogaiah, Hindu,
   Aged 48 years, R/o. P.Narayanapuram Village

of Jeelugumilli Revenue Mandal,
   West Godavari District.
2. Bollina Satyanarayana, S/o. Jogaiah,
Aged 38 years, R/o. P.Narayanapuram Village

of Jeelugumilli Revenue., Mandal,
   West Godavari District.

.... PETITIONERS

AND

1. The Union Of India, Represented by its Secretary
   (Law Department), Sastry Bhavan, New Delhi.
2. The Government of Andhra Pradesh, represented by its Secretary,

(Department of Social Welfare), Secretariat Buildings,

Hyderabad.
3. The District Collector,
   West Godavari,
4. The Special Deputy Collector, K.Ramachandrapuram,
   West Godavari District,
5. The Revenue Divisional Officer, Kovvuru,
   West Godavari District.
6. The Mandal Revenue officer, Jeelugumilli Madnal,
   West Godavari District.,

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order, or direction, more particularly in the nature of WRIT OF MANDAMUS declaring the inclusion of their Village P.Narayanapuram, Jeelugumilli Revenue Mandal, West Godavari District, in the scheduled areas, as illegal and without jurisdiction and declare the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulation No. 1 of 1959, as amended by Regulation No. 1 of 1970, do not apply to Village P.Narayanapuram or to any land in Village or more particularly to any of the Petitioner herein of the lands held by the petitioners.

Counsel for the Petitioners: MR.C.B.RAM MOHAN REDDY

Counsel for the Respondents 1 and 2: MR.ARAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondents 3 to 6:

The Court made the following:

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ORDER:

The writ petition is filed for a writ, order, or direction, more particularly in the nature of writ of Mandamus, declaring the inclusion of their Village P.Narayanapuram, Jeelugumilli Revenue Mandal, West Godavari District, in the scheduled areas, as illegal and without jurisdiction and declare the provisions of the Andhra Pradesh Scheduled Areas land Transfer Regulation No. 1 of 1959, as amended by Regulation No. 1 of 1970 does not apply to Village P.Narayanapuram or to any land in the village or more particularly to any of the

lands held by the petitioners and to pass such other suitable orders.

It is represented that similar writ petitions had been disposed of by a Division Bench of this Court in W.P.No.7337 of 1992 and batch, dated 29-10-1997. The Division Bench observed as hereunder:

> "If the petitioners so wish, they may make representation to the Governor with all relevant material and this Court hopes and trusts that the Governor will look into that representation along with the relevant material which may be submitted along with the representation and then take a decision accordingly, either to report to the President or not, with regard to the plea of the petitioners for deletion of the named villages from the purview of the scheduled areas. The petitioners may avail of one month's period from the date of receipt of a copy of this order for making such representation and having regard to the fact that there is unrest in the areas concerned and also law and order problem, the representation may be considered by the Governor as expeditiously as possible and preferably within a period of four months from the date of submission of such a representation. All interim orders hitherto granted stand vacated."

The Division Bench observed at para 5, as under:

> "The learned counsel expressed his apprehensions that non-tribals will be harassed because of vacating of the interim orders already granted by this Court. To allay such apprehensions, we make it clear that the statutory authorities dealing with either civil or criminal jurisdiction, will discharge their functions strictly in accordance with legal provisions governing the situation and principles of fair-play, not being overawed or over jealous by any consideration either tilting towards tribal or non-tribal, but in a balanced and fair manner. No costs".

In the light of the aforesaid directions granted by the Division Bench, inasmuch as this matter also is just similar in nature, the matter is disposed of in terms of the directions issued by the Division Bench referred to supra.

Accordingly, the writ petition is hereby disposed of. No order as to costs.

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15.02.2005

Lrkm.

To

1. The Secretary (Law Department), Union Of India

Sastry Bhavan, New Delhi.
2. The Secretary, Government of Andhra Pradesh

(Department of Social Welfare), Secretariat Buildings, Hyderabad.
3. The District Collector,
   West Godavari,
4. The Special Deputy Collector, K.Ramachandrapuram,
   West Godavari District,
5. The Revenue Divisional Officer, Kovvuru,
   West Godavari District.
6. The Mandal Revenue officer, Jeelugumilli Mandal,
   West Godavari District.,

7. 2 CCs to G.P for Revenue, High Court Buildings, High Court of A.P.

Hyderabad. (OUT).

8. 2 CD copies.